

~~JUDGE BATTY/POLK/JAIS~~

09 CV 10574

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

WAYDE NEBLETT,

Docket No.:

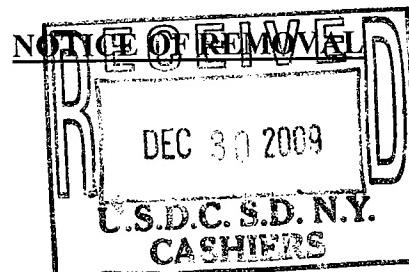
Plaintiff,

-against-

CHASE BANK,

Defendant.

X

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK:**

Defendant Chase Bank USA, N.A. s/h/a Chase Bank ("Petitioner"), by its attorneys, Stagg, Terenzi, Confusione & Wabnik, LLP, upon information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. § 1441, as follows:

1. On or about November 30, 2009, the above-captioned civil action was commenced and is now pending in the Civil Court of the City of New York, County of New York. A trial has not yet been had therein. A copy of the Summons and Endorsed Complaint is annexed as **Exhibit "A"** (the "Complaint"). Petitioner has not yet served an Answer to plaintiff's Complaint.

2. The Complaint seeks, *inter alia*, damages for injuries allegedly arising from defendant's reporting of plaintiff's credit limit to credit reporting agencies.

3. This Court has original jurisdiction over the above entitled action pursuant to 28 U.S.C. § 1331 as this matter involves federal questions under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.

4. This Notice of Removal is being filed within thirty (30) days after receipt by Petitioner of plaintiff's Complaint.

5. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

6. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Civil Court of the City of New York, County of New York, promptly after the filing of this Notice.

7. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

8. By filing this Notice of Removal, Petitioner does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest *in personam* jurisdiction over Petitioner, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

WHEREFORE, Petitioner prays that the above-captioned action now pending in the Civil Court in the City of New York, County of New York, be removed therefrom to this Court.

Dated: Garden City, New York
December 29, 2009

Yours, etc.,

Stagg, Terenzi, Confusione & Wabnik, LLP

BY: J M Bernstein
Jonathan M. Bernstein (jb-1033)

Attorneys for Defendant
Chase Bank USA, N.A.,
s/h/a Chase Bank

Office & P.O. Address:
401 Franklin Avenue, Suite 300
Garden City, New York 11530
(516) 812-4500

TO: Wayde Neblett
Plaintiff *Pro Se*
342 Beach 48th Street
Far Rockaway, New York 11691

Exhibit A

Civil Court of the City of New York
County of New York

Index Number: CV-056415-09/NY

WAYDE NEBLETT

Plaintiff(s)

**SUMMONS WITH ENDORSED
COMPLAINT**

-against-

CHASE BANK

Defendant(s)

BASIS OF VENUE:
Defendant's Place of Business or EmploymentPlaintiff's Address (s):
WAYDE NEBLETT
342 BEACH 48TH ST
Far Rockaway, NY 11691-

To the named defendant(s):

CHASE BANK, at 510 5TH AVE -- 2ND FLOOR, New York, NY 10036-

YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of New York at the office of the Clerk of the said Court at 111 Centre Street in the County of New York, City and State of New York, within the time provided by law as noted below and to file your answer to the (endorsed summons) (annexed complaint) * with the Clerk; upon your failure to answer, judgment will be taken against you for the total sum of \$13,475.57 and interest as detailed below. Plaintiff's work sheet may be attached for additional information if deemed necessary by the clerk.

Date: November 30, 2009

Jack Baer *Jack Baer*
Chief Clerk, Civil Court**ENDORSED COMPLAINT**

The nature and the substance of the plaintiff's cause of action is as follows: See below for \$13,475.57 with interest from 11/27/2009

On 11/27/2009, without warning, Chase lowered Plaintiff's credit card limits to a few dollars above his outstanding balance, causing his credit score & credit profile to reflect negatively. Also punitive damages for defamation of character, libel & discrimination.

***NOTE TO THE DEFENDANT**

A) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or

B) If the summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed THIRTY days after the proof of service thereof is filed with the Clerk of this Court within which to appear and answer.

C) Following CPLR 321(a) corporations must be represented by an attorney.

*** NOTE TO THE SERVER OF THE SUMMONS**

The person who serves the summons should complete the Affidavit of Service and shall file it in the Clerk's Office in the county where the action is brought.

PLAINTIFF'S CERTIFICATION
(See 22NYCRR, Section 130-1.1a)

SIGN NAME: *Wayde Neblett*
PRINT NAME: WAYDE NEBLETT

For Information, answer forms and to track court dates, go to WWW.NYCOURTS.GOV/NYCCIVIL

RECD 12-4-09

- US MAIL FED EX
 CERTIFIED MAIL UPS
 NOWF26 UNKNOWN

Albin *LINDA* *LEWIS*